

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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CAROLYN JOHNSON, as survivor and next )  
of kin of EARL WAYNE JOHNSON, )  
  )  
Plaintiff, )  
  )  
v.    )    **No. 18-1051-STA-egb**  
  )  
CORECIVIC, INC., et al., )  
  )  
Defendants. )

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**ORDER DENYING DEFENDANTS' MOTIONS TO DISMISS INITIAL COMPLAINT**

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Before the Court is Defendants CoreCivic, Inc.; Damon T. Hininger; Grady Perry; Mark A. Emkes; Donna Alvarado; Robert Dennis; Stacia Hylton; Harley Lappin; Anne Mariucci; Thurgood Marshall, Jr.; Charles Overby; and John R. Prann's Motion to Dismiss (ECF No. 10) filed on June 15, 2018. Defendants' Motion seeks the dismissal of Plaintiff Carolyn Johnson's initial Complaint. Federal Rule of Civil Procedure 15(a)(1)(B) permits a party to amend its pleadings once as a matter of course by filing the amended pleading within 21 days of the service of Rule 12(b) motion. Fed. R. Civ. P. 15(a)(1)(B). On July 5, 2018, Plaintiff filed an Amended Complaint (ECF No. 11).

It is well-settled that an amended complaint supersedes the original complaint and renders the initial pleading a nullity. *Heyward v. Cleveland Clinic Found.*, 759 F.3d 601, 617 (6th Cir. 2014) (citation omitted). Courts in this Circuit routinely deny motions to dismiss a complaint as moot after a plaintiff subsequently files an amended complaint. *E.g., Pinks v. Lowe's Home Centers, Inc.*, 83 F. App'x 90 (6th Cir. 2003); *Am. Nat'l Prop. & Cas. Co. v.*

*Stutte*, 298 F.R.D. 376, 380 (E.D. Tenn. 2014); *Okolo v. Metro. Gov't of Nashville*, 892 F. Supp. 2d 931, 948 (M.D. Tenn. 2012); *Ellis v. Kaye-Kibbey*, 581 F. Supp. 2d 861 (W.D. Mich. 2008).

In this case Defendants' initial Motion to Dismiss is addressed to Plaintiffs' opening Complaint.

In light of the fact that Plaintiff has now filed an Amended Complaint, the original Complaint is, strictly speaking, a nullity. Therefore, Defendants' Motion to Dismiss the initial Complaint is

**DENIED** as moot and without prejudice to raise the same or similar arguments in a subsequent dispositive motion.

**IT IS SO ORDERED.**

s/ **S. Thomas Anderson**  
S. THOMAS ANDERSON  
CHIEF UNITED STATES DISTRICT JUDGE

Date: July 6, 2018